

CCRB INVESTIGATIVE RECOMMENDATION

| | | | | | |
|--|--|-------------------------------------|---|------------------------------------|---------------------------------|
| Investigator: Raquel Velasquez | Team: Squad #12 | CCRB Case #: 201603111 | <input type="checkbox"/> Force | <input type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input checked="" type="checkbox"/> Abuse | <input type="checkbox"/> O.L. | <input type="checkbox"/> Injury |
| Incident Date(s) Sunday, 04/03/2016 12:30 AM | Location of Incident: 211 Main Street and 123rd Precinct stationhouse | Precinct: 123 | 18 Mo. SOL 10/3/2017 | EO SOL 10/3/2017 | |
| Date/Time CV Reported Sat, 04/09/2016 2:31 PM | CV Reported At: CCRB | How CV Reported: On-line website | Date/Time Received at CCRB Sat, 04/09/2016 2:31 PM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------|--------------|
| | | |
| | | |
| | | |
| | | |

| Subject Officer(s) | Shield | TaxID | Command |
|-----------------------------|--------|--------|---------|
| 1. An officer | | | 123 PCT |
| 2. SGT Nikolaos Stefopoulos | 04686 | 944294 | 123 PCT |

| Witness Officer(s) | Shield No | Tax No | Cmd Name |
|------------------------|-----------|--------|----------|
| 1. POM Edward Stafford | 21966 | 947515 | 123 PCT |
| 2. POM Lance Levine | 04308 | 930564 | 123 PCT |
| 3. SGT Michael Fisher | 02719 | 918529 | 123 PCT |

| Officer(s) | Allegation | Investigator Recommendation |
|----------------------------|---|-----------------------------|
| A.SGT Nikolaos Stefopoulos | Abuse: At 211 Main Street in Staten Island, Sgt. Nikolaos Stefopoulos stopped § 87(2)(b) and § 87(2)(b) | |
| B.SGT Nikolaos Stefopoulos | Abuse: At 211 Main Street in Staten Island, Sgt. Nikolaos Stefopoulos frisked § 87(2)(b) and § 87(2)(b) | |
| C.SGT Nikolaos Stefopoulos | Abuse: At 211 Main Street in Staten Island, Sgt. Nikolaos Stefopoulos searched § 87(2)(b) and § 87(2)(b) | |
| D.SGT Nikolaos Stefopoulos | Abuse: At 211 Main Street in Staten Island, Sgt. Nikolaos Stefopoulos searched § 87(2)(b)'s backpack. | |
| E. An officer | Abuse: At the 123rd Precinct stationhouse, an officer refused to provide his name and shield number to § 87(2)(b) | |
| F.SGT Nikolaos Stefopoulos | Abuse: At the 123rd Precinct stationhouse, Sgt. Nikolaos Stefopoulos refused to provide his name to § 87(2)(b) | |

Case Summary

On April 9, 2016, § 87(2)(b) filed this complaint with the CCRB via email.

On April 3, 2016, at approximately 12:30 a.m., Sergeant Nikolaos Stefopoulos, from the 123rd Precinct, stopped, frisked and searched § 87(2)(b) and § 87(2)(b) in front of 211 Main Street in Staten Island (**Allegations A, B, and C**). Sgt. Stefopoulos also searched § 87(2)(b)'s backpack (**Allegation D**). § 87(2)(b) and § 87(2)(b) were transported to the 123rd Precinct stationhouse. § 87(2)(b) allegedly asked an unidentified officer for his name and the officer did not provide his name (**Allegation E**). § 87(2)(b) went to the stationhouse after learning about her sons' arrests and asked Sgt. Stefopoulos for his name. Sgt. Stefopoulos allegedly did not provide his name (**Allegation F**).

§ 87(2)(b) was arrested for § 87(2)(b) (**Board Review 11**). § 87(2)(b) and § 87(2)(b) were released from the stationhouse with voided arrests (**Board Review 12**).

There is no video recording of this incident.

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- § 87(2)(b) and § 87(2)(b) and § 87(2)(b) did not file a Notice of Claim regarding this incident (**Board Review 1**).
- OCA has no criminal conviction for § 87(2)(b) and § 87(2)(b) (**Board Review 2**).

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by and involving § 87(2)(b) and § 87(2)(b) and § 87(2)(b) (**Board Review 3**).
- Sgt. Nikolaos Stefopoulos has been a member of the service for nine years and there are five substantiated CCRB allegations against him. Sgt. Stefopoulos has one other frisk and search of person allegation, which were not substantiated.
 - In case no. 201409178, one force allegation (hit against an inanimate object), one abuse of authority allegation (threat of force), and one discourtesy (word) allegation were substantiated. The Board recommended charges. The case is currently assigned to the CCRB's Administrative Prosecution Unit.
 - In case no. 201411079, two abuse of authority allegations (frisk and search of person) were substantiated. The Board recommended and the NYPD issued formalized training.

Findings and Recommendations

Explanation of Subject Officer Identification

§ 87(2)(b) and § 87(2)(b) stated that they were stopped, frisked, and searched by two to three uniformed officers who arrived at the scene together. Sgt. Stefopoulos stated that he stopped, frisked, and searched § 87(2)(b) and § 87(2)(b) and § 87(2)(b) alone. Sgt. Stefopoulos was the only supervisor at the location. Sgt. Stefopoulos considered § 87(2)(b) and

§ 87(2)(b) and § 87(2)(b) were considered under arrest and that they were stopped, frisked, and searched pursuant to their arrests. § 87(2)(g)

§ 87(2)(b) alleged that one of the officers who responded to the location of his arrest, described as a white male, who stood a little taller than 5'5", had black hair and a muscular build, and was dressed in uniform, refused to provide his name at the stationhouse (**Board Review 5**).

None of the officers interviewed acknowledged not providing their names. Sgt. Stefopoulos (*who stands at 5'9" tall, weighs 220 pounds, and has black hair, and was dressed in uniform*) stated that he called PO Stafford and PO Levine, members of the anti-crime team, to respond to the scene. Sgt. Stefopoulos acknowledged that, prior to PO Stafford's and PO Levine's arrival, two uniformed male officers who he did not recall responded to the scene (**Board Review 7**). PO Stafford (*who stands at 5'6" tall, weighs 170 pounds, and has black hair, and was dressed in uniform*) and PO Levine (*who stands at 5'10" tall, weighs 225 pounds, and has brown hair, and was dressed in uniform*) also stated that there were two uniformed male officers at the scene when they arrived, but they also did not recall who they were (**Board Review 8 and Board Review 9**). Sgt. Stefopoulos, PO Stafford, and PO Levine acknowledged interacting with § 87(2)(b) and § 87(2)(b) at the stationhouse, but they denied hearing them request any officer's name (**Board Review 7, Board Review 8, and Board Review 9**).

Event no. § 87(2)(b) documents the stops and arrests of § 87(2)(b) and § 87(2)(b) and § 87(2)(b). However, the event chronology, event unit information, and the radio communications CD only note the 123rd Precinct Anti-crime team as having responded to or acknowledging the stops and arrests (**Board Review 12 and Board Review 13**). Thus, **Allegation E** was pled against "an officer."

Allegations Not Pled

- **Discourtesy:** In her initial complaint, § 87(2)(b) alleged that an officer used profanity towards § 87(2)(b) and § 87(2)(b) and § 87(2)(b) and § 87(2)(b) and § 87(2)(b). § 87(2)(g) did not allege this.

Allegation A: Abuse of Authority- At 211 Main Street in Staten Island, Sgt. Nikolaos Stefopoulos stopped § 87(2)(b) and § 87(2)(b)

Allegation B: Abuse of Authority- At 211 Main Street in Staten Island, Sgt. Nikolaos Stefopoulos frisked § 87(2)(b) and § 87(2)(b)

Allegation C: Abuse of Authority- At 211 Main Street in Staten Island, Sgt. Nikolaos Stefopoulos searched § 87(2)(b) and § 87(2)(b)

Allegation D: Abuse of Authority- At 211 Main Street in Staten Island, Sgt. Nikolaos Stefopoulos searched § 87(2)(b)'s backpack.

It is undisputed that Sgt. Stefopoulos stopped, frisked, and searched § 87(2)(b) and § 87(2)(b) and § 87(2)(b). It is also undisputed that Sgt. Stefopoulos searched § 87(2)(b)'s backpack.

§ 87(2)(b) and § 87(2)(b) both stated that they and § 87(2)(b) were walking around the neighborhood attempting to meet up with friends, when they were approached by two to three uniformed officers in a marked car. Sgt. Stefopoulos instructed § 87(2)(b) and § 87(2)(b) and § 87(2)(b) to get up against a fence. § 87(2)(b) and § 87(2)(b) and § 87(2)(b) complied. § 87(2)(b) and § 87(2)(b) denied committing any crime, including grabbing and pulling car door handles and breaking into cars. § 87(2)(b) wore a gray or black hoodie, shorts, and flip flops with black socks. § 87(2)(b) did not recall what he wore except for cargo shorts. According to § 87(2)(b) § 87(2)(b) wore a white t-shirt, black sweatpants with purple gym shorts underneath, and a black baseball hat. According to § 87(2)(b) § 87(2)(b) wore a black sweatshirt, gray sweatpants, and a backpack (**Board Review 4 and Board Review 5**).

According to § 87(2)(b) Sgt. Stefopoulos asked if they had been “robbing” any cars. They responded no. Sgt. Stefopoulos stated that they fit the description of people breaking into cars. Sgt. Stefopoulos then instructed the other officers to check them. An officer frisked § 87(2)(b) § 87(2)(b)'s waist, stomach, and his pants pockets. One of the officers, § 87(2)(b) was not sure which one, told them to empty their pockets. § 87(2)(b) complied. § 87(2)(b) believed that officers also frisked § 87(2)(b) and § 87(2)(b) however he did not see when this occurred. One of the officers opened § 87(2)(b)'s backpack and found quarters and a knife. The officer gave the items to Sgt. Stefopoulos and Sgt. Stefopoulos stated that they were “the ones robbing the cars.” At least four more officers arrived at the scene and transported § 87(2)(b) and § 87(2)(b) and § 87(2)(b) to the 123rd Precinct stationhouse. § 87(2)(b) and § 87(2)(b) were placed in the muster room. § 87(2)(b) was placed in the holding cell. § 87(2)(b) and § 87(2)(b) were released approximately three hours later with voided arrests (**Board Review 4**).

§ 87(2)(b) added that the officers asked them if they had anything illegal on their persons. Both § 87(2)(b) brothers said no. § 87(2)(b) said he had a knife. The officers told § 87(2)(b) to remove the knife. § 87(2)(b) pulled out a knife from his right front pocket, placed it on the ground, and the officers took the knife. One of the officers patted § 87(2)(b)'s front pockets (**Board Review 5**).

§ 87(2)(b) was uncooperative with the investigation (**Board Review 15**).

Sgt. Stefopoulos stated that he was at the 123rd Precinct stationhouse when he overheard Sgt. Michael Fisher having a phone conversation via the telephone switchboard operator phone. Sgt. Fisher told Sgt. Stefopoulos that an unidentified female caller was reporting that three males (one wearing a backpack, one wearing a gray hoodie and glasses, and one was wearing all black) were breaking into cars on Johnson Avenue and Craig Avenue, and were walking towards Main Street. Sgt. Stefopoulos left the stationhouse and drove a marked car, alone, to canvass for the suspects. At Craig Avenue and Main Street, Sgt. Stefopoulos saw an unidentified female holding a phone in her hand and stating, “right there,” while pointing in the direction of § 87(2)(b) and § 87(2)(b) and § 87(2)(b) who matched the descriptions Sgt. Fisher provided. § 87(2)(b) and § 87(2)(b) and § 87(2)(b) were about 30 yards away and were the only individuals in the street. One of them was looking into a car while the other two stood to his right. Sgt. Stefopoulos approached § 87(2)(b) and § 87(2)(b) and § 87(2)(b) and told them to stop

and get against the wall. They complied and stood with their backs against the wall. Sgt. Stefopoulos then noticed a clip and the top of a knife in § 87(2)(b)'s left sweatpants pocket. Sgt. Stefopoulos recovered the knife, confirmed that it was a gravity knife, and handcuffed § 87(2)(b). § 87(2)(b) was under arrest for § 87(2)(b). Because they matched the descriptions of the suspects breaking into cars, § 87(2)(b) and § 87(2)(b) were also considered under arrest. Sgt. Stefopoulos frisked both § 87(2)(b) brothers' waistbands and pockets incident to their arrests. Sgt. Stefopoulos also searched § 87(2)(b)'s backpack and found a lot of coins.

Two officers that Sgt. Stefopoulos did not recall arrived at the scene. Sgt. Stefopoulos told the officers to watch § 87(2)(b) and § 87(2)(b) and § 87(2)(b) while he called his anti-crime team. PO Stafford and PO Levine arrived a few minutes later. Sgt. Stefopoulos did not and did not hear any officers instruct § 87(2)(b) and § 87(2)(b) or § 87(2)(b) to empty their pockets and he did not see any officer frisk them. Sgt. Stefopoulos briefly canvassed for the unidentified female, but was unable to locate her. Sgt. Stefopoulos then instructed the officers to escort § 87(2)(b) and § 87(2)(b) and § 87(2)(b) to the stationhouse. Sgt. Stefopoulos and PO Stafford conducted a second canvass, but yielded negative results. Sgt. Stefopoulos also asked Sgt. Fisher if he had contact information for the unidentified female, but Sgt. Fisher stated that he had forgotten to obtain it. Since the officers did not have a complainant or witness to sign the deposition, Sgt. Stefopoulos voided the arrests for § 87(2)(b) and § 87(2)(b) (**Board Review 12**). § 87(2)(b) was released with a desk appearance ticket for § 87(2)(b) (**Board Review 11**) (**Board Review 7**).

PO Stafford and PO Levine were patrolling when they received a radio run put out by Sgt. Stefopoulos stating that he had stopped three males. Sgt. Stefopoulos instructed PO Stafford and PO Levine to place them under arrest and take them to the stationhouse (**Board Review 8 and Board Review 9**). According to PO Stafford, he and PO Levine frisked and searched § 87(2)(b) and § 87(2)(b) and § 87(2)(b) (**Board Review 8**). According to PO Levine, he did not frisk or search § 87(2)(b) and § 87(2)(b) and § 87(2)(b) (**Board Review 9**).

Sgt. Fisher stated that he was in the muster room of the stationhouse doing administrative work. Sgt. Fisher did not recall answering any phone calls at the front desk or at the telephone switchboard operator phones. During his CCRB interview, Sgt. Fisher was provided details regarding an unidentified female reporting a crime. This information did not refresh Sgt. Fisher's recollection of the incident. Sgt. Fisher did not hear any conversation at the stationhouse regarding these details. Sgt. Fisher did not recall interacting with Sgt. Stefopoulos or having a conversation with him about the reported crime. Sgt. Fisher went out on patrol at approximately 12:30 a.m., but he did not recall hearing a radio run regarding three males being stopped and he did not recall responding to the incident location (**Board Review 14**).

In the radio communications CD, Sgt. Stefopoulos mentions to "Mike" that he had stopped three males (**Board Review 12 and Board Review 13**).

§ 87(2)(g)

§ 87(2)(g)

Allegation E: Abuse of Authority- At the 123rd Precinct stationhouse, an officer refused to provide his name and shield number to § 87(2)(b)

§ 87(2)(b) stated that he and § 87(2)(b) were in the muster room when he asked one of the officers for his name four times. The officer never responded to his requests (**Board Review 5**).

§ 87(2)(b) who was in the muster room with § 87(2)(b) did not corroborate this allegation (**Board Review 4**).

PO Levine stated that he remained with § 87(2)(b) and § 87(2)(b) while they were in the muster room. PO Levine added that at some point, PO Stafford and Sgt. Stefopoulos were in the muster room as well. PO Levine denied hearing § 87(2)(b) or § 87(2)(b) asking him or any officer for their names (**Board Review 9**). Sgt. Stefopoulos and PO Stafford acknowledged being in the muster room with § 87(2)(b) and § 87(2)(b). Sgt. Stefopoulos and PO Stafford denied hearing § 87(2)(b) or § 87(2)(b) asking him or any officer for their names (**Board Review 7 and Board Review 8**).

§ 87(2)(g)

Allegation F: Abuse of Authority- At the 123rd Precinct stationhouse, Sgt. Nikolaos Stefopoulos refused to provide his name to § 87(2)(b)

It is undisputed that § 87(2)(b) spoke with Sgt. Stefopoulos alone in the vestibule of the 123rd Precinct stationhouse.

§ 87(2)(b) alleged that she asked for Sgt. Stefopoulos' name three times and he never responded (**Board Review 6**).

Sgt. Stefopoulos acknowledged that § 87(2)(b) asked for his name once and he provided it verbally (**Board Review 7**).

§ 87(2)(g)

Squad: 12

Investigator: _____

Signature

Print

Date

Squad Leader: _____
Title/Signature Print Date